

REMARKS

I. Amendment to the Claims

Upon entry of the foregoing amendment, sixteen (16) claims are pending in the application. Of the pending claims, five (5) claims are independent.

Support for this amendment is provided in the specification, at page 7, lines 5-6, and Figure 1; and at page 14, lines 19-24.

II. Allowed Claims

The Examiner has concluded that Claims 59-66 and 69-73 are allowed.

III. Rejections under 35 U.S.C. § 102

The Examiner has rejected Claims 67 and 74 under 35 U.S.C. §102(b) as being anticipated by Later (US 5,259,962). Applicant has amended Claim 67 to further clarify distinct features of the claimed invention over Later. Accordingly, Applicant respectfully submits that the rejections should not be maintained against these claims as amended.

Later does not disclose each and every element recited in Claim 67 as amended. Specifically, Later only discloses a decontaminating of materials in particulate form. Accordingly, Later fails to disclose the claimed “providing a barrier that defines the treatment space having an entrance and an exit therein for the non-particulate object to enter and exit the barrier.” Later also fails to disclose the claimed “surrounding the contaminated non-particulate object with said barrier by moving the contaminated non-particulate object into the entrance.”

Later only shows a decontamination of particulate materials, such as soils, contaminated with contaminants. In other words, Later removes or deactivates contaminants from the particulate materials. In contrast, the claimed invention of Claim 67 as amended decontaminates a “non-particulate” object, such as vehicles. In other words, the claimed invention removes or deactivates contaminants from the surface of the non-particulate object. The contaminants may be chemical compounds or microbes. The microbes can comprise particulate. Further, the chemicals and microbes may be sorbed onto particulates, which are sometimes referred to as “fomites.” Accordingly, the claimed invention does not exclude particulate materials as contaminants. In other words, the contaminants can be particulate materials. However, the claimed invention must decontaminate a “non-particulate” object by removing or deactivating the contaminants, whether or not the contaminants are in particulate forms.

A decontamination of particulate materials as in Later is fundamentally different from a decontamination of non-particulate object such as vehicles as in the claimed invention. Indeed, the means for comminuting the solid material (14) and the augers for moving the comminuted material (16, 34, and 48) are not even compatible with the decontamination of “non-particulate” object as in the claimed invention.

As a separate and independent reason, Later fails to disclose the claimed “establishing an air flow from the exit of the treatment space to the entrance of the treatment space such that the air enters the treatment space through the exit of the treatment space and exits the treatment space through the entrance of the treatment space.” In the claimed invention, the contaminated object enters the treatment space through the entrance and exits the space through the exit while the air enters the space through the exit and exits the space through the entrance. In other words,

the entrance for the contaminated object functions as an exit for the airflow, and the exit for the treated object functions as an entrance for the airflow.

In Later, however, air does not exit the hopper (20) through the entry port (30), through which the contaminated material is moved in. The entry port (30) is sealed by a means for preventing backflow (18) once the treatment begins. Column 3, Lines 31-35. Instead, air is removed from the hopper (20) through air return duct (70), which does not function as a material entrance. In addition, airflow is not established from the auger (34) to the entry port (30) as claimed, but is “circulated through” the hoppers and augers. Column 5, Lines 11-15.

Accordingly, it is respectfully submitted that Claim 67 as amended and Claim 73 depending from therefrom should be found allowable over Later.

IV. Rejection under 35 U.S.C. § 103

The Examiner has rejected Claim 68 under 35 U.S.C. §103(a) as being unpatentable over Later in view of Gonzales-Martin (US 6,117,337). Applicant respectfully submits that the rejections should not be maintained against Claim 68 depending from Claim 67 as amended.

Later and Gonzales-Martin, taken alone or in combination, do not teach or suggest each and every element recited in Claim 67 as amended. Specifically, Later does not teach or suggest the claimed treatment of “non-particulate object.” Neither does Gonzales-Martin. Moreover, because of the fundamental differences between a decontamination of particulate material and a decontamination of non-particulate object, it is impractical, if not impossible, to combine Later or Gonzales-Martin with other references disclosing a decontamination of non-particulate object to obtain the claimed invention.

As a separate and independent reason, nowhere does Later teach or suggest the claimed configuration that “air flow from the exit of the treatment space to the entrance of the treatment space such that the air enters the treatment space through the exit of the treatment space and exits the treatment space through the entrance of the treatment space” as discussed above in details.

Neither does Gonzales-Martin teach or suggest this claimed configuration.

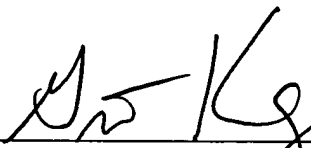
Accordingly, for at least the reasons set forth above, it is respectfully submitted that Claim 68 depending from Claim 67 as amended should be found allowable over Later and Gonzales-Martin.

V. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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